

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DAVID SCOTT HASTINGS,

Plaintiff,

v.

Case No.: 2:18-cv-238-FtM-38MRM

MIKE SCOTT, CHERRIE MCABEE,  
RICHARD ERRETT, AMY MOSER  
and CARMINE MARCENO,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

This matter is before the Court on sua sponte review of the record. The Court directed Plaintiff to complete and return the U.S. Marshals Service Forms and a copy the Amended Complaint for Defendants Mike Scott, Richard Errett, Amy Moser, and Carmine Marceno by within fourteen days of the Order. ([Doc. 42](#)).

The Court provided Plaintiff with a reasonable opportunity to respond to the Order and Plaintiff was put on notice that the case would be dismissed if he failed to comply. As of the date on this Order, Plaintiff failed to provide a completed Service Form for Mike Scott and failed to provide copies of the Amended Complaint for the above-named Defendants or sought an enlargement of time to do so. Thus, the Court finds Plaintiff has failed to prosecute this case as to the named Defendants and the case is due to be

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

dismissed without prejudice as to Defendants Mike Scott, Richard Errett, Amy Moser, and Carmine Marceno under M.D. Fla. Rule 3.10(a).

Accordingly, it is now

**ORDERED:**

1. Defendants Mike Scott, Richard Errett, Amy Moser, and Carmine Marceno are **DISMISSED without prejudice**.
2. The Clerk of Court shall enter judgment for Mike Scott, Richard Errett, Amy Moser, and Carmine Marceno.

**DONE** and **ORDERED** in Fort Myers, Florida this 22nd day of April 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

SA: FTMP-2

Copies: All Parties of Record